

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Spice Corp.,

Plaintiff,

Civil No. 07-cv-4767 (JNE/JJG)

v.

ORDER

Foresight Marketing Partners, Inc.,
Foresight Marketing Group, Inc., and
SanDisk Corporation,

Defendants.

The above-entitled matter came before the Court upon the Report and Recommendation of the United States Magistrate Judge. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, and all the files, records and proceedings herein,

IT IS HEREBY ORDERED THAT:

I. The Foresight Defendants' motion to dismiss (Doc. No. 2) be **GRANTED IN PART AND DENIED IN PART** as follows:

A. Foresight Marketing Group, Inc.'s motion to dismiss is **GRANTED** to the extent it requests that the Court compel arbitration of Spice's claims against it under the Federal Arbitration Act, 9 U.S.C. § 4, and **DENIED AS MOOT** to the extent it seeks Fed. R. Civ. P. 12(b)(6) dismissal on the merits.

B. Foresight Marketing Partners, Inc's motion to dismiss is **GRANTED** to the extent it requests that the Court compel arbitration of Spice's claims against it under the Federal Arbitration Act, 9 U.S.C. § 4, and **DENIED** to the extent it seeks Fed. R. Civ. P. 12(b)(6) dismissal on the merits.

II. Spice's suit against Foresight Marketing Group, Inc. and Foresight Marketing Partners, Inc. is **STAYED** pending arbitration under the Federal Arbitration Act, 9 U.S.C. § 3.

Dated: May 13, 2008

s/ Joan N. Ericksen
JOAN N. ERICKSEN
Judge, United States District Court